



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,721	11/29/2001	Gerard Vergnaud	Q67037	1847

23373 7590 04/26/2005
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

SWARTHOUT, BRENT

ART UNIT PAPER NUMBER

2636

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,721

Applicant(s)

VERGNAUD ET AL.

Examiner

Brent A Swarthout

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2636

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katzenberg et al.

Katzenberg discloses a terminal adapter device connecting a terminal device 10 to a network and for identifying terminal types comprising:

First connectors (66, Data + phantom power, Fig. 3, Fig. 1) for inserting an adapter between the terminal 10 and network, and an identifier circuit, including elements 4,22,64 for identifying terminal type and being connected to at least two conductors at the network side (col.3, lines 1-22 and 44-48). Such identifier circuit includes the adapter since the current used in the identification of the terminal device is sent to the network interface for identification of the terminal type. The adapter can be said to include detector 22 and network node 14, since they adapt the connection of remote equipment 10 to the network (Fig. 1).

Choosing to connect the terminal to a LAN as opposed to an Ethernet would have been obvious, merely depending on what type of network was used to remotely power terminal equipment.

Furthermore, it would have been obvious to one of ordinary skill in the art to have the identifier circuit be passive, since the circuit of

Katzenberg merely has to determine if a particular voltage level is detected, in order to determine if the equipment can support remote power feed (col.3, lines 4-11), terminals being identified as being able to support remote power feed or not. Although it appears that the Katzenberg system would have been inherently passive, choosing to have the circuit be passive would have further been obvious in order to reduce system complexity by eliminating components that would have been necessary for an active identification circuit.

Regarding claims 2-3, Katzenberg teaches desirability of providing remote power feed over network side conductors (col.3, lines 43-48), and it would have been inherent that the power would have been conducted to the terminal device over conductors.

Regarding claim 4, Katzenberg teaches use of second conductor (main power distribution bus, Fig. 3), connected to network side conductors through switch 68, use of data versus other available lines being an obvious matter of engineering choice, alternate lines providing easier transmission when available, since data signals would not have had to be transmitted along with power signals.

Regarding claim 5, Katzenberg teaches use of resistive dc element to determine terminal type (col.3, lines 6-9). Choosing to use a resistor as the resistive element would have been obvious since resistors are common off-the-shelf resistive elements for electrical circuits, the

particular type of resistive element used being an obvious matter of engineering choice depending on what other electrical components are in use in the circuit.

2. Regarding applicant's remarks filed with the response on 1-26-05, on page 2 it is stated that the identifier circuit is located within the terminal 62. However, it would not make sense to have a circuit for detecting what type of terminal equipment was connected to a network be located at the terminal, since the purpose of identifying the type of terminal is to determine if it is capable of supporting remote power feed, which would have been remote from the terminal.

On page 3 it is stated that any components of Katzenberg outside of access node 64 should not be considered to be part of a terminal adapter. However, claims are not so limited that a terminal adapter must be at an access node, and any elements of Katzenberg which allow the terminal to be "adapted " to network can be considered to be a part of a "terminal adapter".

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 2636

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**